

To: Wooden-Aguilar, Helena[Wooden-Aguilar.Helena@epa.gov]; Covington, Jeryl[Covington.Jeryl@epa.gov]
From: O'Lone, Mary
Sent: Tue 9/16/2014 6:13:03 PM
Subject: FW: Your voice mail re: CAFOs
OECA Interns CAFOs 9-10-14.pptx

FYI. I called Kathy to get some general background & asked if there was a standing EPA group that worked on CAFO issues. The answer is of course yes.

I thanked her for the invite, but wrote her back that I didn't think we'd be ready to talk about anything by Thursday.

I am reviewing the draft accept/reject now.

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

From: Greenwald, Kathryn
Sent: Tuesday, September 16, 2014 1:34 PM
To: O'Lone, Mary
Subject: Your voice mail re: CAFOs

Mary,

I received your voice message and will give you a call back when I have time later this afternoon. In the meantime, I've attached a ppt I'm working on for a general CAFO presentation I'm doing next month that gives you some general information about what a CAFO is, impacts of their wastes, and EPA's compliance and enforcement approach to them under the Clean Water Act.

As to your question about whether there is an EPA group that works on CAFOs -- the answer is yes. My colleague in OECA/OC, Carol Galloway, leads a monthly national call with EPA folks (OECA, OW, and all 10 EPA regions) from both the NPDES permitting and enforcement programs that work on CAFO issues. The next call is this Thursday, 9/18/14, at 2 to 3:30 pm. You're welcome to join us and even ask the group for input on something if you would like. I'll forward you the meeting scheduler shortly.

I look forward to talking with you later this afternoon.

Kathy

To: Wooden-Aguilar, Helena[Wooden-Aguilar.Helena@epa.gov]
From: Covington, Jeryl
Sent: Wed 8/27/2014 4:39:14 PM
Subject: RE: URGENT: Call from Earthjustice

FYI - The agency, North Carolina Department of Environment and Natural Resources (NCDENR), do not approve the siting of these facilities. NCDENR approves the technical feasibility, appropriate operations, etc. Location denial occur if such facilities are located near sensitive waters. Some locations are determined by corporate industry buying/contracting farmers that must comply with corporate standards for best practices in waste management.

These operations are in some instances developed in conjunction with USDA – Natural Resource Conservation Service, and conjunction with the local county field office.

Ex. 6 - Personal Privacy

From: Wooden-Aguilar, Helena
Sent: Wednesday, August 27, 2014 12:26 PM
To: HALIM-CHESTNUT, NAIMA
Cc: Mckinley, Lisa; Bailey, Rhonda; Lapierre, Kenneth; Golightly-Howell, Velveta; Covington, Jeryl; Rhodes, Julia; Gsell, Alyssa
Subject: Re: URGENT: Call from Earthjustice

Thanks for the email. I have copied Velveta and OGC on this message.

Let me talk with Velveta and OGC on approach because as you know we are communicating with OCR HQ on a number of fronts, including stakeholder engagement

Ex. 5 - Deliberative Process

Can we touch base with you/region by COB?

Helena

Helena Wooden-Aguilar

Acting Deputy Director

Office of Civil Rights - US EPA

202-564-0792 (office)

Ex. 6 - Personal Privacy

wooden-aguilar.helena@epa.gov

On Aug 27, 2014, at 12:13 PM, "HALIM-CHESTNUT, NAIMA" <Halim-Chestnut.Naima@epa.gov> wrote:

<image001.gif>

Helena

I received a call from MaryAnne Engelman-Lado, **Ex. 6 - Personal Privacy** from EarthJustice today and she is interested in filing a complaint against the NC DNR for perceived violations of Title VI for issuing a state swine permit that will certify 200 swine facilities in NC. They do not know the locations of all of the facilities but they do know that many of them will be in disadvantaged communities based on disproportionate data for communities in NC. They plan to file by this Thursday.

They are interested in speaking with Region 4 (and HQ) personally about their approach, as well as having us tour facilities. I wanted to get your take on what we should tell them and who you want to speak with them from this point forward?

I am including the Regional OCR team for their awareness.

Thank you.

Naima Halim-Chestnut, MAOM

Human Resources Officer, Acting

Human Capital Management Branch

U.S. Environmental Protection Agency, Region 4

61 Forsyth Street SW

Atlanta, GA 30303

Office: 404-562-9220

BlackBerry: 678-576-6127

Email: halim-chestnut.naima@epa.gov

To: Wooden-Aguilar, Helena[Wooden-Aguilar.Helena@epa.gov]
Cc: Rhodes, Julia[Rhodes.Julia@epa.gov]
From: O'Lone, Mary
Sent: Mon 1/5/2015 7:23:26 PM
Subject: Amendment to the ealier email about Another Avi question -- need response quickly

After talking with Julia - I want to make clear I am not asking you to do the exercise of a specific count, just give me a general sense.

Ex. 5 - Attorney Client

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-4992

From: O'Lone, Mary
Sent: Monday, January 5, 2015 1:58 PM
To: Wooden-Aguilar, Helena
Cc: Rhodes, Julia
Subject: Another Avi question -- need response quickly

Avi is asking about litigation risk. I am wondering what the OCR timeliness stats are looking like these days.

Have you ever updated the count that we did for the Padres litigation?

In how many cases has OCR met the 20 day JR deadline & in how many has OCR missed it?

Also, in how many cases has OCR met & not met the 180 day deadline?

If you don't have numbers handy, can you give me a sentence or two that accurately gives a ballpark characterization of where OCR stands on timeliness? For example: For (most, a large portion, about 2/3rds, about half) of the XX Title VI complaints OCR has received (since the beginning of time, since the Rosemere decision), it has missed the 20 day deadline. Similarly, for (most, a large portion, about 2/3rds, about half) of the XX Title VI complaints OCR has accepted for investigation, it has missed the 180 day deadline for completing the investigation.

Also, Julia mentioned that Lillian mentioned this morning that at ED or HUD where she came from, that they requested clarification or more information that would identify those who were affected and the program involved & if they didn't get that information within a certain timeframe they rejected the complaint.

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

Thanks.

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-4992

To: Covington, Jeryl[Covington.Jeryl@epa.gov]
From: Wooden-Aguilar, Helena
Sent: Fri 12/19/2014 7:03:32 PM
Subject: Fwd: draft answers to questions about REACH
REACH Briefing for Avi v 3.docx
ATT00001.htm

Can you review?

Helena Wooden-Aguilar
Assistant Director
External Civil Rights - US EPA
202-564-0792 (office)
202-302-6846 (mobile)
wooden-aguilar.helena@epa.gov

Begin forwarded message:

From: "Rhodes, Julia" <Rhodes.Julia@epa.gov>
Date: December 19, 2014 at 1:59:49 PM EST
To: "Golightly-Howell, Velveta" <Golightly-Howell.Velveta@epa.gov>, "Dorka, Lilian" <Dorka.Lilian@epa.gov>, "Wooden-Aguilar, Helena" <Wooden-Aguilar.Helena@epa.gov>, "Covington, Jeryl" <Covington.Jeryl@epa.gov>
Cc: "Moffa, Anthony" <Moffa.Anthony@epa.gov>, "Packard, Elise" <Packard.Elise@epa.gov>
Subject: draft answers to questions about REACH

Hi. Attached is a draft of questions that CRFLO was asked about the REACH complaint with proposed answers. I am sending this document to you for a quick tonal check in terms of representing the program's interests.

Ex. 5 - Attorney Client

I need to coordinate this draft with Ethan so it can get in Avi's briefing book for the weekend, so if you want to make any comments, please do so before 3pm.

Thanks,

J

Julia Rhodes

Assistant General Counsel for the Civil Rights Practice Group

Civil Rights and Finance Law Office

Office of General Counsel

Environmental Protection Agency

1200 Pennsylvania Avenue, NW, 2399A

Washington, DC 20460

Phone: 202.564.1417

Bcc: Wooden-Aguilar, Helena[Wooden-Aguilar.Helena@epa.gov]
Cc: Covington, Jeryl[Covington.Jeryl@epa.gov]; Farrell, Ericka[Farrell.Ericka@epa.gov]; Yon, William[Yon.William@epa.gov]
To: Dorka, Lilian[Dorka.Lilian@epa.gov]
From: Wooden-Aguilar, Helena
Sent: Thur 9/24/2015 12:51:47 PM
Subject: Re: REACH - March 6th as the date the 180 clock was tolled.

Ok.

Will - please get the REACH SCAP from Ericka or Jeryl. The language of when we write the letter should be in a footnote.

Helena Wooden-Aguilar

Acting Director

Resource Management Staff

Office of Criminal Enforcement, Forensics and Training

U.S. Environmental Protection Agency

202-564-0702 (office)

Ex. 6 - Personal Privacy

wooden-aguilar.helena@epa.gov

On Sep 24, 2015, at 8:45 AM, "Dorka, Lilian" <Dorka.Lilian@epa.gov> wrote:

If that's the case then let's go ahead and say that in this letter too. And Helena and Will, we should include that in the CRM and SCAP I think?

Sent from my iPhone

On Sep 24, 2015, at 8:41 AM, Covington, Jeryl <Covington.Jeryl@epa.gov> wrote:

I recall and as noted below, that Will Hall stated that the letter should be issued after the mediator is selected.

From: Dorka, Lilian

Sent: Thursday, September 24, 2015 8:39 AM

To: Covington, Jeryl; Farrell, Ericka; Wooden-Aguilar, Helena
Cc: Yon, William
Subject: Re: REACH - March 6th as the date the 180 clock was tolled.

Meant to add also the the March 6 tolling date was informal as I recall and we were going to continue to do some lighter stuff. We must be consistent. I don't like holding back the letter bec Hall thinks it would interfere. We need to set a date for the letter of official notice on thing and stick w it. I remember Hall saying it should be the date that parties agree to find mediator?

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On Sep 24, 2015, at 8:36 AM, Dorka, Lilian <Dorka.Lilian@epa.gov> wrote:

Also adding Helena bec she was part of this convo including with W Hall. Can we go ahead amend the current letter please and include those Mary points and re share? I would also like to clarify with Mary what her understanding is of what the ADR trigger is that starts our process and what prompts our issuing the tolling letter. NOTE Helena and Will that we do not have I think enough detail currently in either the SCAP or the CRM re the ADR process w respect to when/ at what point and following what action(s) we issue the rolling letter. We need to add that I think.

Sent from my iPhone

On Sep 24, 2015, at 7:51 AM, Covington, Jeryl <Covington.Jeryl@epa.gov> wrote:

I spoke with Mary yesterday and she expressed the same issues (e.g., reference the prior communications, the UNC professor interview, and the request for clarification). She had no other comments or modifications to add. Her questions remain as before; do we included these points? The currently drafted tolling letter is 'plain vanilla' and does not include any of these points.

From: Dorka, Lilian
Sent: Wednesday, September 23, 2015 9:44 PM
To: Farrell, Ericka
Cc: Covington, Jeryl
Subject: Re: REACH - March 6th as the date the 180 clock was tolled.

Thanks Ericka! Let me know if you think, after you talkers GC, we all need to have a conversation with them. Thx!

Sent from my iPhone

On Sep 23, 2015, at 11:45 AM, Farrell, Ericka <Farrell.Ericka@epa.gov> wrote:

Lillian here is some of the email traffic about the tolling letter. The date agreed was in March that I included in the letter. It was just a basic letter to inform them the complaint has been tolled. CRFLO seems to want to add more information. I have attached the drafts that went to them. I will follow up today on status or redraft the letter to add more if needed.

From: Golightly-Howell, Velveta
Sent: Friday, August 21, 2015 10:21 AM
To: Rhodes, Julia
Cc: Covington, Jeryl; Dorka, Lilian; Temple, Kurt; Wooden-Aguilar, Helena; O'Lone, Mary; Moffa, Anthony; Farrell, Ericka
Subject: Re: REACH - March 6th as the date the 180 clock was tolled.

Thanks Julia. Velveta

Sent from my iPhone

On Aug 21, 2015, at 8:46 AM, Rhodes, Julia <Rhodes.Julia@epa.gov> wrote:

Hi Velveta, CRFLO is still reviewing the letter and will be cognizant of the interests expressed in your email as we do so.

Julia Rhodes

Assistant General Counsel for the Civil Rights Practice

Group

Civil Rights and Finance Law Office

Office of General Counsel

Environmental Protection Agency

1200 Pennsylvania Avenue, NW, 2399A

Washington, DC 20460

Phone: 202.564.1417

From: Golightly-Howell, Velveta

Sent: Thursday, August 20, 2015 6:40 PM

To: Covington, Jeryl

Cc: Dorka, Lilian; Temple, Kurt; Wooden-Aguilar, Helena;
Rhodes, Julia; O'Lone, Mary; Moffa, Anthony; Farrell, Ericka

Subject: Re: REACH - March 6th as the date the 180 clock was tolled.

Thanks Jeryl. Please consult Julia re: including some indication that Ms. Lado Engleman was directed to the website ADR Fact Sheet which contains the specific advisement. I am uncomfortable just letting what she may have said to the media about expecting a decision and even assuming she didn't, with the mere reporting of this. I'm open to all options. There comes a time, though, when OCR has to stand strong and go on the offensive.

Velveta

Sent from my iPhone

On Aug 20, 2015, at 12:59 PM, Covington, Jeryl
<Covington.Jeryl@epa.gov> wrote:

For consideration-

OCR has a draft tolling letter prepared for REACH and under review by OGC (attached). Nonetheless, the draft does not reference prior email communications, the request for clarification, or address the complainant's request to complete an interview of the UNC professor.

Secondly, per the emails below, Will Hall recommended that the tolling letter be issued once the mediator is selected. Based on today's communication, Mr. Hall has indicated that the selection of the mediator is near and can possibly occur next week.

From: O'Lone, Mary
Sent: Thursday, August 20, 2015 10:54 AM
To: Covington, Jeryl
Cc: Rhodes, Julia
Subject: FW: REACH - March 6th as the date the 180 clock was tolled.

Jeryl-

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

From: O'Lone, Mary

Sent: Friday, March 27, 2015 4:26 PM

To: Golightly-Howell, Velveta; Wooden-Aguilar, Helena; Matthew, Dayna; Dorka, Lilian

Cc: Rhodes, Julia; Covington, Jeryl; Farrell, Ericka; Moffa, Anthony; Hall, William

Subject: REACH - March 6th as the date the 180 clock was tolled.

We in OGC are all about providing our client's defensible options.

Ex. 5 - Attorney Client

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Have a good weekend. Mary

Mary O'Lone

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1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

From: Hall, William
Sent: Friday, March 27, 2015 11:29 AM
To: O'Lone, Mary
Subject: RE: Questions about dates

I understand that you're wanting to put a date on the start of the convening process. OCR's emails to the complainants and recipient indicating that OCR had asked me to contact them went out on March 6. I would consider that the start of the convening process.

Will

William E. Hall, Ph.D.
Conflict Prevention and Resolution Center
U.S. Environmental Protection Agency
"Making Agreement Easier" | (202) 564-0214
<http://intranet.epa.gov/adr> or <http://www.epa.gov/adr>

From: O'Lone, Mary
Sent: Thursday, March 26, 2015 12:00 PM
To: Hall, William
Subject: Questions about dates

Will-

You had your first solo follow up with NC DENR on what date?

And the date when you had your first solo follow-up call with Earthjustice?

I am trying to nail down when “convening” was underway.

Thanks, Mary

Mary O'Lone

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1200 Pennsylvania Avenue, NW

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<11R-14-R4 ADR Vaart (08202015).docx>

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Bcc: Wooden-Aguilar, Helena[Wooden-Aguilar.Helena@epa.gov]
Cc: Covington, Jeryl[Covington.Jeryl@epa.gov]; Dorka, Lilian[Dorka.Lilian@epa.gov]; Yon, William[Yon.William@epa.gov]
To: Farrell, Ericka[Farrell.Ericka@epa.gov]
From: Wooden-Aguilar, Helena
Sent: Thur 9/24/2015 12:45:31 PM
Subject: Re: REACH - March 6th as the date the 180 clock was tolled.

That is what I recall. I believe we decided to use the date the mediator was selected. This should be captured in the SCAP or in case file notes.

Helena Wooden-Aguilar

Acting Director

Resource Management Staff

Office of Criminal Enforcement, Forensics and Training

U.S. Environmental Protection Agency

202-564-0792 (office)

Ex. 6 - Personal Privacy

wooden-aguilar.helena@epa.gov

On Sep 24, 2015, at 8:43 AM, "Farrell, Ericka" <Farrell.Ericka@epa.gov> wrote:

That's what I recall as well.

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To: Dorka, Lilian; Farrell, Ericka; Wooden-Aguilar, Helena
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Julia Rhodes

Assistant General Counsel for the Civil Rights Practice Group

Civil Rights and Finance Law Office

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Jeryl-

Ex. 5 - Attorney Client

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

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Cc: Rhodes, Julia; Covington, Jeryl; Farrell, Ericka; Moffa,
Anthony; Hall, William

Subject: REACH - March 6th as the date the 180 clock was tolled.

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Ex. 5 - Attorney Client

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Mary O'Lone

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William E. Hall, Ph.D.
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Mary O'Lone

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Bcc: Wooden-Aguilar, Helena[Wooden-Aguilar.Helena@epa.gov]
Cc: O'Lone, Mary[o'lane.mary@epa.gov]; Dorka, Lilian[Dorka.Lilian@epa.gov]; Moffa, Anthony[Moffa.Anthony@epa.gov]; Covington, Jeryl[Covington.Jeryl@epa.gov]; Farrell, Ericka[Farrell.Ericka@epa.gov]; Golightly-Howell, Velveta[Golightly-Howell.Velveta@epa.gov]
To: Matthew, Dayna[Matthew.Dayna@epa.gov]
From: Wooden-Aguilar, Helena
Sent: Wed 4/8/2015 8:54:46 PM
Subject: Re: Thoughts on REACH meetings

Thanks Dayna.

Helena Wooden-Aguilar
Assistant Director
External Civil Rights - US EPA
202-564-0792 (office)

Ex. 6 - Personal Privacy

wooden-aguilar.helena@epa.gov

On Apr 8, 2015, at 4:00 PM, "Matthew, Dayna" <Matthew.Dayna@epa.gov> wrote:

All,

Thank you for the update meeting on REACH today. Please see the agreed upon tasks and responsible parties in CAPS annotating Mary's list below.

Best,

Dayna

Dayna Bowen Matthew

Senior Advisor to Director Office of Civil Rights

Environmental Protection Agency

1200 Pennsylvania Avenue, NW

Room 2524B

Washington, D.C. 20460

Tel: 202-564-9621

From: Matthew, Dayna
Sent: Wednesday, March 25, 2015 4:37 PM
To: O'Lone, Mary; Wooden-Aguilar, Helena
Subject: RE: Thoughts on REACH meetings

Brava!

From: O'Lone, Mary
Sent: Wednesday, March 25, 2015 4:30 PM
To: Wooden-Aguilar, Helena; Matthew, Dayna
Subject: Thoughts on REACH meetings

I think we would all agree, they are too long & too much group grope.

I would think a way that we might make them more efficient is to send out the list with assignemnts today or tomorrow & have people report out quickly on their status. Maybe even indicate what should be completed by next Wednesday.

Here is what I have from last week & this week:

(1) Update the REACH case management plan (AKA REACH 90 Day table) per conversation today. Circulate draft changes by COB Friday for comments by midday Tuesday. That way we aren't reading it for the first time & line editing

together next Wednesday. (Jeryl)

REVIEWED DATES AND LANGUAGE FOR UPDATING PLAN. JERYL WILL POST UPDATED VERSION BON SHAREPOINT TODAY.

Ex. 5 - Attorney Client

DAYNA WILL COMPLETE AND GIVE TO ERIKA TO PUT INTO HARD COPY FILE BY COB TOMORROW

(3) Print out from [Grants.Gov](https://www.grants.gov) (or somewhere else) that documents all the current federal financial assistance NC DENR receives. Place that document on the SharePoint. (Ericka)

ERIKA WILL PRINT OUT AND UNTIL WE MOVE TO ELECTRONIC FILES COMPLETELY, ERIKA WILL PUT A HARD COPY INTO THE FILE AND ALSO POST A COPY IN THE G-DRIVE

(4) Draft and circulate for comment to work group proposed letters to parties informing them that the investigation is on hold to be issued once they agree to a mediator. (WHO?)

ERIKA WILL DRAFT THE LETTERS, CIRCULATE TO WILL HALL AND NORMAL GROUP, AND POST INTO G-DRIVE READY TO USE

(5) Place written documentation of the review of administrative closure checklist in the REACH file (not on SharePoint). (Ericka)

ERICKA HAS COMPLETED AND WILL POST ON THE G-DRIVE AS WELL AS IN THE HARD COPY FILE BY COB TODAY

(6) Create & post on SharePoint site a list of the Program and Regional Contacts. (WHO?)

JERYL AND HELENA WILL TRACK DOWN THE SHAREPOINT DOCUMENT FOR THESE CONTACTS AND MAKE SURE THEY ARE ON SHAREPOINT

(7) Post clean versions of Helena's emails to Mariann & V's to NC DENR on the SharePoint site. They go in the Correspondence file & should be given names like the ones that are in that folder now starting with the date. (WHO?)

DAYNA WILL FOLLOW UP WITH HELENA TO GET THESE POSTED BY FRIDAY. THE IMPORTANT MESSAGES ARE THE ONES THAT MENTION ADR TO CREATE A COMPLETE CORRESPONDENCE FILE TO DOCUMENT COMMUNICATION ABOUT SUSPENDING THE INVESTIGATION RE ADR. JERYL WILL WORK WITH VELVETA TO POST HER CORRESPONDENCE

Ex. 5 - Attorney Client

HELENA WILL REVIEW MARY'S DRAFTS FINALIZE AND GET EMAIL OUT BY FRIDAY

Ex. 5 - Attorney Client

HELENA WILL REVIEW AND COMPLETE BY FRIDAY 4/10

(10)Email Mike Shapiro to get the OW Title VI contact and a general CAFO contact. (Mary & Helena) (Mary sent draft email to Helena 3/25)

HELENA WILL REVIEW AND SEND TO VELVETA TO SEND BY FRIDAY 4/10

(11)After get the OW contacts, give them access to the SharePoint site. (Mary)

AFTER WE HEAR BACK FROM MIKE, JERYL WILL CHECK WITH MARY AND

(12)Send email to water technical contact like one to Bill Schrock. (Mary & Helena)

HELENA WILL COMPLETE BY FRIDAY4/10

HELENA WILL ALSO CONTACT WILL HALL TO GET AN UPDATE ON THE ADR PROCESS

Ex. 5 - Attorney Client

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-4992

To: Covington, Jeryl[Covington.Jeryl@epa.gov]; Ericka Farrell
(farrell.ericka@epa.gov)[farrell.ericka@epa.gov]
From: Wooden-Aguilar, Helena
Sent: Fri 3/27/2015 12:36:06 PM
Subject: FW: REACH - parties have agreed to begin mediator selection

For the files.

From: O'Lone, Mary
Sent: Tuesday, March 24, 2015 4:21 PM
To: Wooden-Aguilar, Helena
Subject: FW: REACH - parties have agreed to begin mediator selection

FYI. Will came to see me after he went to your office.

I was going to send to Nancy & Daria, but thought I should let you know first.

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

From: O'Lone, Mary
Sent: Tuesday, March 24, 2015 4:20 PM
To: Rhodes, Julia; Packard, Elise; Shenkman, Ethan; Moffa, Anthony
Subject: REACH - parties have agreed to begin mediator selection

Will Hall went by OCR to let Helena know, but she wasn't in. He will try again later today.

The next step is for the parties to come up with an agreed to list of qualities they'd like in the mediator (*e.g.*, familiar with CAFOs, know Title VI).

Then the list is sent to the contractor who sends Will the resumes of mediators who meet those criteria. The parties look at the resumes & agree to a few mediators to interview. After both interview them, then they agree on a mediator.

Agreeing to the mediator is the point at which Will would recommend that OCR send the letter to the parties saying it is putting the investigation on hold. It could take several weeks (or more) to get to that point.

Will says that the new GC for NC DENR came from Arnold & Porter up here in DC.

Thanks, Mary

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

Bcc: Wooden-Aguilar, Helena[Wooden-Aguilar.Helena@epa.gov]
To: Covington, Jeryl[Covington.Jeryl@epa.gov]; Farrell, Ericka[Farrell.Ericka@epa.gov]
From: Wooden-Aguilar, Helena
Sent: Wed 3/25/2015 11:05:37 PM
Subject: Fwd: Question - REACH related. Has R4 water program . . .

Helena Wooden-Aguilar
Assistant Director
External Civil Rights - US EPA
202-564-0792 (office)

Ex. 6 - Personal Privacy

wooden-aguilar.helena@epa.gov

Begin forwarded message:

From: "O'Lone, Mary" <o'lane.mary@epa.gov>
Date: March 25, 2015 at 6:44:12 PM EDT
To: "Zimmer, Andrea" <Zimmer.Andrea@epa.gov>, "Wooden-Aguilar, Helena" <Wooden-Aguilar.Helena@epa.gov>
Cc: "HALIM-CHESTNUT, NAIMA" <Halim-Chestnut.Naima@epa.gov>, "Jones, Kim A" <Jones.Kima@epa.gov>
Subject: Re: Question - REACH related. Has R4 water program . . .

Thanks so much for the information. We will let you know.

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-4992

From: Zimmer, Andrea
Sent: Wednesday, March 25, 2015 6:04 PM
To: O'Lone, Mary; Wooden-Aguilar, Helena
Cc: HALIM-CHESTNUT, NAIMA
Subject: FW: Question - REACH related. Has R4 water program . . .

Mary – thank you for your email today! Here are responses to your 3/18 email:

In our federal NPDES permitting oversight role, EPA conducts program overviews. As part of the NPDES Permit Quality Review (PQR) process EPA assesses whether NPDES permits are developed in a manner that is consistent with applicable requirements in the Clean Water Act (CWA) and environmental regulations. During each PQR, EPA reviews a representative sample of states' NPDES permits and evaluates permit language, fact sheets, calculations, and any supporting documents in the permit files. Region 4 is finalizing the PQR Report for the State of NC, but we did not include the CAFO program as part of the review.

Sam Sampath was aware of a CAFO program summary compiled by EPA HQ and has provided the attached drafts for each of the Region 4 states.

I'm also attaching a copy of "Evaluation Report: Region 4 Should Strengthen Oversight of Georgia's Concentrated Animal Feeding Operation Program; Office of Inspector General Report No. 11-P-0274, June 23, 2011" and Region 4's response.

Please let me know if you have any questions.

Thanks!

Andrea

From: Sampath, Sam
Sent: Wednesday, March 25, 2015 1:43 PM
To: Zimmer, Andrea; Raines, Connie
Cc: Davis, Molly
Subject: RE: Question - REACH related. Has R4 water program . . .

No, NC's CAFO program was not addressed in the PQR. We did not select a CAFO permit

to review in this PQR.

No, other than the GA IG report, no more detailed external reviews of CAFO programs in any of the R4 states. However, HQ did a Program Summary of each R4 states in 2013 attached

Thanks

Sam

From: O'Lone, Mary
Sent: Wednesday, March 18, 2015 9:10 AM
To: HALIM-CHESTNUT, NAIMA; Zimmer, Andrea
Cc: Wooden-Aguilar, Helena; Tommelleo, Nancy
Subject: Question - REACH related. Has R4 water program . . .

Andrea & Naima-

We just saw this report from R3's water program about a review it did of PA's animal agriculture regulations and programs.

The intro to this report makes it sound like reviews generally are something that EPA has the authority to do, but they don't usually focus exclusively on animal agriculture regulations and programs.

Just wondering if R4's water program has ever done a review of NC's regulations and programs? If so, can we get copies of them.

Also, any chance you all have done a review specific to NC's or any other state's animal agriculture regulations and programs? We'd be interested in those as well.

Thanks, Mary

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-4992

Bcc: Wooden-Aguilar, Helena[Wooden-Aguilar.Helena@epa.gov]
To: O'Lone, Mary[o'lonemary@epa.gov]
From: Wooden-Aguilar, Helena
Sent: Tue 3/24/2015 10:12:46 PM
Subject: Re: REACH - parties have agreed to begin mediator selection

Ok. Cool. Thx.

Helena Wooden-Aguilar
Assistant Director
External Civil Rights - US EPA
202-564-0792 (office)

Ex. 6 - Personal Privacy

wooden-aguilar.helena@epa.gov

On Mar 24, 2015, at 4:21 PM, "O'Lone, Mary" <o'lonemary@epa.gov> wrote:

FYI. Will came to see me after he went to your office.

I was going to send to Nancy & Daria, but thought I should let you know first.

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

From: O'Lone, Mary
Sent: Tuesday, March 24, 2015 4:20 PM
To: Rhodes, Julia; Packard, Elise; Shenkman, Ethan; Moffa, Anthony

Subject: REACH - parties have agreed to begin mediator selection

Will Hall went by OCR to let Helena know, but she wasn't in. He will try again later today.

The next step is for the parties to come up with an agreed to list of qualities they'd like in the mediator (*e.g.*, familiar with CAFOs, know Title VI).

Then the list is sent to the contractor who sends Will the resumes of mediators who meet those criteria. The parties look at the resumes & agree to a few mediators to interview. After both interview them, then they agree on a mediator.

Agreeing to the mediator is the point at which Will would recommend that OCR send the letter to the parties saying it is putting the investigation on hold. It could take several weeks (or more) to get to that point.

Will says that the new GC for NC DENR came from Arnold & Porter up here in DC.

Thanks, Mary

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

Bcc: Wooden-Aguilar, Helena[Wooden-Aguilar.Helena@epa.gov]
Cc: O'Lone, Mary[o'lane.mary@epa.gov]; Moffa, Anthony[Moffa.Anthony@epa.gov]; Covington, Jeryl[Covington.Jeryl@epa.gov]; Farrell, Ericka[Farrell.Ericka@epa.gov]; Lancaster, Tina[Lancaster.Tina@epa.gov]
To: Matthew, Dayna[Matthew.Dayna@epa.gov]
From: Wooden-Aguilar, Helena
Sent: Mon 3/9/2015 6:11:23 PM
Subject: Re: Updated draft of REACH RFI

Hi Dayna

Thanks for your email. I think it would good if you could send. I agree with Mary that if they want to discuss than I, Jeryl, and Ericka are available to meet.

Please copy Asha Carter, the COS Special Assistant.

Appreciate your help.

Helena

Helena Wooden-Aguilar
Assistant Director
External Civil Rights - US EPA
202-564-0792 (office)

Ex. 6 - Personal Privacy

wooden-aguilar.helena@epa.gov

On Mar 9, 2015, at 1:43 PM, "Matthew, Dayna" <Matthew.Dayna@epa.gov> wrote:

Helena,

Would you also like to send the draft RFIs to Gwen and John to review – Velveta ok'd this before she left and I'm happy to have you send them if you'd prefer. Just let me know.

Dayna

From: Wooden-Aguilar, Helena
Sent: Monday, March 09, 2015 8:44 AM
To: O'Lone, Mary
Cc: Matthew, Dayna; Moffa, Anthony; Covington, Jeryl; Farrell, Ericka
Subject: Re: Updated draft of REACH RFI

I will catch up with a Will.

Helena Wooden-Aguilar

Assistant Director

External Civil Rights - US EPA

202-564-0792 (office)

Ex. 6 - Personal Privacy

wooden-aguilar.helena@epa.gov

On Mar 9, 2015, at 8:36 AM, "O'Lone, Mary" <o'lane.mary@epa.gov> wrote:

Here is the RFI again. My email at the beginning of this chain gives the background for questions in the RFI.

Please let me know if Gwen or John have any questions. If they do it would be nice to speak w/them directly, rather than going through multiple layers.

Will should be in today. Helena will you be following up with him or should I?

On the question to Earthjustice as to how far back we'd ask their clients to look, my suggestion would be to give them the same timeframe as is in the NC DENR RFI.

Ex. 5 - Attorney Client

I am going to concentrate on Genesee today. I don't think I have any REACH items outstanding. Thanks, Mary

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-4992

From: O'Lone, Mary
Sent: Friday, March 6, 2015 8:20 AM
To: Matthew, Dayna; Dorka, Lilian
Cc: Wooden-Aguilar, Helena; Rhodes, Julia; Moffa, Anthony; Packard, Elise
Subject: Re: Updated draft of REACH RFI

Just trying to get a grip on where we stand -

NC DENR email. All of us are good with the NC DENR email language & Velveta has the most recent version to send out.

RFI. The attached version is clean & incorporates Lilian's last round of edits. All of us are good with the RFI. The next step would be to forward it to Velveta.

Since Helena is out, I will try to touch base with Will & if he is in today, get his read on whether he recommends we hold off on the RFI b/c NC DENR is so close to signing on for ADR.

Dayna will you be forwarding it to V? If so, I guess say we are checking with Will for his thoughts.

I am working from home if V or anyone else has any questions about the RFI. Also, my email below provides the general reasoning behind the content of the request. Thanks, Mary.

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-4992

From: Matthew, Dayna
Sent: Thursday, March 5, 2015 7:09 PM
To: Dorka, Lilian
Cc: O'Lone, Mary; Wooden-Aguilar, Helena; Rhodes, Julia; Moffa, Anthony; Packard, Elise
Subject: Re: Updated draft of REACH RFI

My comments have been incorporated thanks to Mary's earlier edits and I think this is way to go if it hasn't already gone.

Dayna

Sent from my iPhone

On Mar 5, 2015, at 6:11 PM, Dorka, Lilian <Dorka.Lilian@epa.gov> wrote:

Hi Mary - thanks for trying to simplify the language and relating more to the discrimination . I made a couple of edits but I think folks may want even more - not sure anymore though. I think at this point we should just

leave with these changes and when we share it folks will have a chance to comment. We should talk about next steps on this. Are we so close to sealing the ADR that we hold on this? I think we ask Will tomorrow once we finalize the email to DENR.

Dayna, did you review/have anything else? I think Velveta is waiting for any comments you have. She may not realize you already commented on the email?

From: O'Lone, Mary
Sent: Tuesday, March 3, 2015 6:35 PM
To: Dorka, Lilian; Wooden-Aguilar, Helena; Matthew, Dayna
Cc: Rhodes, Julia; Moffa, Anthony; Packard, Elise
Subject: Updated draft of REACH RFI

Lilian –

Per your request, here is the updated draft RFI. We have tried to make everyone happy, but in the end it is OCR's letter. The new articulation of the "please tell your side of the story" is based on an understanding up here on what language Gwen would likely go for.

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

I hope all this helps. See you tomorrow. A lot.

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

<REACH RFI 3 3 2015 (Dorka, Lilian).docx>

<REACH RFI 3 6 2015.docx>

Bcc: Wooden-Aguilar, Helena[Wooden-Aguilar.Helena@epa.gov]
To: O'Lone, Mary[o'lone.mary@epa.gov]
From: Wooden-Aguilar, Helena
Sent: Mon 3/9/2015 4:05:09 PM
Subject: Re: Question about REACH ADR

K.

Helena Wooden-Aguilar
Assistant Director
External Civil Rights - US EPA
202-564-0792 (office)

Ex. 6 - Personal Privacy

wooden-aguilar.helena@epa.gov

On Mar 9, 2015, at 12:04 PM, "O'Lone, Mary" <o'lone.mary@epa.gov> wrote:

Does Will know he's supposed to reach out to both sides this week? Will wasn't ccd on V's email to Van der Vaar, so you might want to let him know just in case he wasn't clear.

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-4992

From: Hall, William
Sent: Monday, March 9, 2015 9:24 AM
To: O'Lone, Mary
Cc: Wooden-Aguilar, Helena
Subject: RE: Question about REACH ADR

My advice is that it would definitely be a negative to send the RFI letter at this point. It would send confusing signals to the recipient, to whom the ADR option was just presented and who responded positively.

Will

William E. Hall, Ph.D.

Conflict Prevention and Resolution Center

U.S. Environmental Protection Agency

"Making Agreement Easier" | (202) 564-0214

<http://intranet.epa.gov/adr> or <http://www.epa.gov/adr>

From: O'Lone, Mary

Sent: Friday, March 06, 2015 9:07 AM

To: Hall, William

Cc: Wooden-Aguilar, Helena

Subject: Question about REACH ADR

Will-

At the staff level, OCR's draft request for information to NC DENR is ready to go out.

Lilian wanted us to touch base with you to see if you thought that sending it out would be a plus or minus in getting NC DENR to the table based on the conversation with them on Wednesday. Thanks, Mary

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-4992